195°. **File No.** B Essential Commodities /50

Legal Deptt.

B **BRANCH**

Subject:— L.A. Bill No XXXI of 1950

A Bill to amend the Bombay Essential Commodities and Cattle (control) Act 1946

Bom Act No XXX of 1950

P-16

File No. B. Essential Commodities /50

Gen. 194 e.

825-B

Legal Department.

Revised drafts of the Bill and the Statment of Objects and Reasons are sent herewith.

2. The subject- matter of the Bill falls under entries 26,27,64,65 and 66 in List II and entries 1,2,7,12 ~~12~~ and 45 in List III in the Seventh Schedule to the Constitution of India. The Bill does not require any sanction or recommendation but after the Bill is passed it will have to be reserved for the consideration of the President with reference to Article 254(2). The Bill must become law before 1st October 1950.

Sd/-
24-5

Additional Secretary to Government.

M.R.D.
17-7-56
C.4

U.R. to C.S.D.No7162, dated the 26th May 1950.

No.10834
Legal Department,
Bombay Castle(Bombay No.1),31st July 1950,

From

Shri J.R.Dhuranadhar,
Additional Secretary to the Government of Bombay,
Legal Department.

To

The Secretary to the Government of India,
Ministry of Home Affairs.
New Delhi.

Subject:- The Bombay Essential Commodities and Cattle(Control)Amendment)Bill, 1950.

Sir,

I am directed to forward herewith in advance a copy (with two spare copies) of the Bombay Essential Commodities and Cattle(Control)Amendment) Bill, 1950, which it is proposed to be introduced and passed at the ensuing session of the Bombay Legislature and which will have to be reserved for the consideration of the president with reference to article 154(2) of the Constitution of India.

2. - The subject matter of the Bill falls under entires 26,27,64,65 and 66 in List II and entires 1,2,7,12,34,45 and 46 in List III in the Seventh Schedule to the Constitution India. As the previsions of section 6(2)of the Bombay Essential Commodities and Cattle(Control)Act, 1946,are repugnant to the provisions of the Indian Evidence Act,1872, which is an existing law relating to a matter enumerated in entry 12 in the Concurrent Legislative List and the provision of section 4(2)(f)are repugnant to the provisions of the Indian Sale of Goods Act, 1930,which is an existing law relating to a matter enumerated in entry 7 in the Concurrent Legislative List, and as the the Bill is intended to extend the life of the said Act for a further period of two years, the provisions of the Bill are repugnant to the provisions of the said existing laws. The Bill will have, therefore,to be reseved for the consideration of the President with reference to article reference to article 254(2)of the Constitution of India.

3. The Bombay Essential Commodities and Cattle (Control) Act,1946,will expire on the 30th September 1950. It is, therefore, necessary that this Bill should, after receiving the assent of the President, be published in the Bombay Government Gazette an an Act on or before the 30th September 1950. The eusuing session of the Bombay Legislature is

P.T.O.

likely to commence on the 20th September 1950 and the Bill is likely to be passed by the Bombay Legislative Assembly on the 21st and by the Bombay Legislative Council on the 22nd September 1950, without any amendment. The authentic copy of the Bill will be sent to you for obtaining the assent of the President as soon as the Bill is passed by both the Houses of the Legislature.

4. I am to request that you will be so good as to scrutinise the Bill in advance and to help in obtaining the assent of the President in time so as to enable this Department to publish the Act on or before the 30th September 1950.

Yours faithfully,

Sd/-
29-7.

Additional Secretary to Government.

Copy to:-

The Secretary to the Government of Bombay,
Civil Supplies Department.

M.R.D.
17-7-56
C.4

No.17/112/50-Judi.
Government of India
Ministry of Home Affairs

From

R.C. Caymor, Esquire,
Deputy Secretary to the Govt, of India.

To

The Secretary to the Govt, of Bombay,
Legal Department,
BOMBAY.

NEW DELHI-2, the 26th August,1950.

Subject:- The Bombay Essential Commodities and Cattle(Control)(Amendment) Bill, 1950.

Sir,

With reference to your letter No.10834, dated the 31st July 1950,on the subject noted above, I am directed to say that the proposed Bill has been examined in consultation with the Ministries concerned and has been kept ready for obtaining the assent of the President as soon as the the authentic copy is received here, provided there is no substantial change. If there are any substantial changes, the Ministries concerned will have to be consulted again beffore obtaining the assent of the President.

2. I am to add that "cattle fodddr" including oil cakes and other concentracts, mentioned in item(2)of the Schedule appended to the Bombay Essential Commodities and Cattle (Control) Act, 1946, have been declared as essential commodities under the Essential Supplies(Temporary Powers) Act, 1946, by the recent enactmen of the Essential Supplies (Temporary Powers) Amendment Act, 1950(Central Act No.LII of 1950). Although"cattle feed" used in the Bombay Act has a wider meaning than "cattle fooder", which is the term used in the Central Act, it is desirable that there should be no duplication.

The Government of India suggest therefore that the State Government should take steps under section 3 of the Bombay Essential Commodities and Cattle (Control) Act,1946,to remove the overlap.

P.T.O.

Yours faithfully,

Sd/-

(E.C. Gaynor)

(~~E.P. Gaynor~~)

DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA.

M.R.D.
13-7-56

No.13251
Legal Department,
Bombay Castle(Bombay No.1) 18th September 1950.

From:
Shri J.R.Dhurandhar,
Additional Secretary to the Government of Bombay,
Legal Department.

To
The Secretary to the Government of Inida,
Ministry of Home Affairs,
New Delhi.

Subject:- The Bombay Essential Commodities and Cattle(Control)(Amendment) Bill,1950

Sir,

With Reference to para 2 of Your letter No.17/112/50 Judl., dated 26th August 1950, on the subject noted above, I am directed to state that this Government consideres that in view of the inclusion of the entry 'cattle fodder' in section 2 of the Essential Supplies(Temporaryx Powers) Act,1946 by the Amending Act III of 1950,it would no longer be possible for the State Government to regulate or control cattle fodder under the Bombay Essential Commodities and Cattle(Control)Act, 1946, As, however under the Bombay Act, the entries in the Schedule to the Act can be amended by a notification under section 3, no amendment of the Act itself is necessary and it is not necessary to insert any provision in the Amending Bill which is already before the Legislature for the extension of the period of the duration of the Act. As remarked in the letter of the Government of India under reply, the entry 'cattlefeed' in the Bombay Act has wider connotation and includes such articles as wheat bran,gawar and other concentrates which would not be included in the expression 'cattle fodder' inserted in the Central Act. It is necessary for the State Government to control these commodities and orders to that effect have been issued. As regards 'oil cakes' which are included in the expression 'cattle fodder' in the Central Act, the use of the said commodity is not limited as food for cattle, but it is largely used as agricultural manure. In view of the present conditions it is necessary for the State Government to regulate and control the use of that commodity and it will continue to do so for the said purpose.

P.T.O.

Sd/-
18-9

Copy to : P.A.C.

The Secretary to the Government of Bombay,
Civil Supplies Department.

M.R.D.
18-7-56
C.4

Immediate.

No.13527
Legal Department,
Bombay Castle(Bombay No.1.)22ndSeptember, 1950.

From.

Shri J.R.Dhurandhar,
Additional Secretary to the Government of Bombay,
Legal Department.

To

The Secretary to the Government of India,
Ministry of Home Affairs,
New Delhi.

Subject:- The Bombay Essential Commodities and Cattle(Control (Amendment)Bill,1950.

Sir,

With reference to your letter No.17/42/50-Kudl, dated the 26th August 1950,on the subject noted above, I am directed to inform you that a copy of your letter has already been forwarded to the civil Supplies Department of the Government of Bombay for necessary action in the matter. As the object in view can be carried out by issuing a notification under section 3 of the Bombay Essential Commodities and Cattle(Contrl) Act,1946,the suggestion made in your letter, would not any involve any amendment of the Bombay Essential Commodities and Cattle (Control)(Amendment) Bill,1950.

As already pointed out to you in this Department's previous letters, the Bill in question will probably be passed by both the Assembly and the Council without any amendment. The Bill will be introduced in, and probably be passed by, the Assembly on the 26th inst and it will be passed by the Council on the 27th inst. The authentic copy of the Bill will be sent to you as soon as the Bill is passed by the Council.

I am, therefore, to request you to obtain the assent of the President to the Bill immediately on the day the authentic copy of the Bill is received by you and to communicate the same to this Department by telegram at the Council Hall, Poona, so as to enable this Department to publish the Bill as an Act on or before the 30th September 1950,the day on which the principal

Act. expires,

P.T.O.

Yours faithfully,

Sd/-22-9

Addixtional Secretary to Government.

Copy forwarded with compliments to -

The Secretary to the Government of Bombay,
Civil Supplies Department.

M.R.D.
18-7-56
C.A

IMMEDIATE. No. 11-L
Legal Department,
Council Hall, Poona, 27th September 1950.

From.
Shri J.R. Dhurandhar,
Additional Secretary to the Government of Bombay,
Legal Department.

To.
The Secretary to the Governor of Bombay.

Subject:- The Bombay Essential Commodities and Cattle(Control)(Amendment)Bill,1950.

Sir,

With reference to article 200 of the Constitution of India, I am directed to forward herewith for being presented to His Excellency the Governor the authentic copy of the Bombay Essential Commodities and Cattle(Control)(Amendment) Bill,1950, which was read for the third time and passed at the meetings of the Bombay Legislative Assembly and the Bombay Legislative Council held on the 26th and 27th September 1950, respectively.

2. The subject-matter of the Bill falls under entires 26, 27,64,65and66 in List II and entaries 1,2,7,12,34,45 and 46 in List III in the Seventh Schedule to the Constitution. As the provisions of section 6(2)of the Bombay Essential commodities and Cattle(Control)Act, 1946, are repugnant to the provisions of the Indian Evidence Act,1872, which is an existing law relating to a matter enumerated in entry 12 in the Concurrent Legislative List and the provisions of section 4(2)(f), are repugnant to the provisions of the Indian Sale of Goods Act,1930,which is an existing law relating to a matter enumerated in entry 7 in the concurrent Legislative List, and as the Bill is intended to extend the life of the said Act for a further period of two years, the provisions of the Bill are repugnant to the provisions of the said existing laws. It is therefore, necessary to reserve the Bill[1] for the consideration of the president with reference to article 254(2)of the Constitution.

3. I also forward herewith six copies of each of the items Nos. 1 and 2 and two copies of tiem No.3of the papers

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1. Bill as introduced in the Bombay Legislative

1.Bill as introduced in the Bombay Legislative Assembly with the Statement of Objects and Reasons. 2.Bill as read for the third time and passed by the Bombay Legislative Council. 3.Extracts from the proceedings of the Bombay Legislative Assembly dated the 26th September 1950 and of the Bombay Legislative Council dated the 27th September 1950.	noted in the margin. The Bill was not referred to

a Select Committee.

4. I am to state that the Bombay Essential Commodities and Cattle Control Act,1946, would cease to be in force on the 30th September 1950 and the present Bill is intended to extend the life of this enactment. It is, therefore, necessary that this Bill should, after receiving the assent of the President, be published in the Bombay Government Gazette as an Act on or before the 30th September 1950. It is requested that the President may be moved to give his assent to the Bill before the 30th September 1950 and to convey the assent by telegram as the new Act must come into force on that date and also to communicate the date on which the assent is given.

Yours faithfully,

Sd/-
27/8

Additional Secretary to Government.

Copy to-

The Secretary to the Government of Bombay,
Civil Supplies Department.

M.R.D.
18-7-56
C.4

No. G.S.-2934

FROM

Shri L.M.Nadkarni,I.C.S.,
SECRETARY TO THE GOVERNOR OF BOMBAY

To.

The Secretary to the Bombay Legislature
Department, Council Hall,
POONA.

GOVERNMENT HOUSE.
GANESHKHIND Sept,27, 50

Subject:- The Bombay Essential Commodities and Cattle(Control)(Amendment)Bill,1950.

Sir,

With reference to the Bombay Essential Commoditiesm and Cattle(Control)(Amendment)Bill,1950 which was passed by the Bombay Legislative Assembly and the Bombay Legislative Council on September 26and27 1950,respectively, I am directed to state, for the information of the Honourable the speaker and the Honourable the Chariman,that as the provisions of section 6(2)of the Bombay Essential Commodities and Cattle(Control) Act, 1946,are repugnant to the provisions of the Indian Evidence Act, 1872,which is an existing law relating to a matter enumerated in entry 12 in the Concurrent Legislative List and the provisions of section 4(2)(f) are repugnant to the provisions of the Indian Sale of Goods Act, 1930, which is an existing law relating to a matter enumerated in entry 7 in the Concurrent Legislatige List, and as the Bill is intended to extend the life of the said Act for a further period of two years, the provisions of the Bill are repugnant to the provisionsof the said existing laws, it is necessary to reserve the Bill for the consideration of the president with reference to Article 254(2)of the constitution of India. His Excellency the Governor has accordingly been pleased, under Article 200 of the Constitution, to declare that he reserves the Bill for the consideration of the president.

Yours faithfully,
L.M.Nadkarni.
Secretary to the Governor.

No.G.S.-2935.

Poona, 7,dated September 27,1950.

Copy forwarded with compliments for information to :-
The Additional Secretary to Government,Legal Department with reference to his letter No.11-L dated September 27,1950.
The Secretary to Government,Civil Supplie Department,

Sd/-

Secretary to the Governor.

M.R.D.
18-7-56
C.4

No.G.S.-2988

FROM

THE SECRETARY TO THE GOVERNOR OF BOMBAY

To

The Additional Secretary to Government.
Legal Department.

GOVERNMENT HOUSE,
GANESHKHIND. October 3, 1950

Subject: The Bombay Essential Commodities and Cattle(Control)(Amendment) Bill,1950.

Sir,

In continuation of my letter No.G.S.-2961 dated the September 29/30,1950, I am directed to forward herewith the authentic copy of the Bombay Essential Commodities and Cattle(Control)(Amendment)Bill, 1950, with the President's assent signfied thereon.

Your faithfully,
Sd/-
for Secretary to the Governor of Bombay.

R.D.
7-7-56
C.4

ACTS.
Publication of the Bombay Essentil Commodities and Cattle(control) (Amendment)Act, 1950.

GOVERNMENT OF BOMBAY.
Legal Department .
Resolution No. 13765
Bombay Castle, 29th September 1950.

RESOLUTION:- The law should be published as Bombay Act No.XXX of 1950,in the Bombay Government Gazette dated the 29th September 1950.

2. The Act should be translated into Marathi,Gujarati, Kannada and Hindi(in Devnagari script) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Civil Supplies Department.

By order of the Governor of Bombay,

Sd/-
S.L.CHAUDHARI,

Assistant Secretary to Government.

To

The Manger, Government Central Press Bombay(with a copy of the Act and with a request that 30 Gazett copies of the Act may be forwarded to the Legal Department),
The Civil Supplies Department,
*The Oriental Translator to Government,
The Bombay Legislature Department,
The Director of Publicity, Bombay,
The Enquiry Officer for the Secretariat, Bombay.
} with a copy of the Act

M.R.D.
18-7-56
C.4

*with four extra copies of the Act.

Registered No. B-1

The
Bombay Government Gazette
PUBLISHED BY AUTHORITY
SATURDAY, 1ST JULY 1950.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V

[To be translated into Marathi, Gujarati, Kannada and Hindi (in Devnagari script) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. XXXI OF 1950.

A Bill to amend the Bombay Essential Commodities and Cattle (Control) Act, 1946.

Bom. XXII of 1946.

WHEREAS it is expedient to amend the Bombay Essential Commodities and Cattle (Control) Act, 1946, for the purpose hereinafter appearing; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay Essential Commodities and Cattle (Control) (Amendment) Act, 1950.

Bom. XXII of 1946.

Amendment of section 1 of Bom. XXII of 1946.

2. In sub-section (4) of section 1 of the Bombay Essential Commodities and Cattle (Control) Act, 1946, for the word "four" the word "six" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

The Bombay Essential Commodities and Cattle (Control) Act, 1946, is due to expire on the 30th of September 1950. As conditions have not still become

normal powers conferred under this Act will require to be exercised for some time more. The Bill accordingly purports to extend the life of the said Act for a period of two years more, that is, up to 30th September 1952.

(Signed) D. N. DESAI.

Dated the 23rd June 1950.

By order of the Governor of Bombay,

J. R. DHURANDHAR,
Additional Secretary to the Government of Bombay,
Legal Department.

Bombay, dated the 1st July 1950.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

L. A. BILL No. XXXI of 1950

A Bill to amend the Bombay Essential Commodities and Cattle (Control) Act, 1946

(As read for the third time and passed by the Legislative Assembly on the 26th September 1950)

(As read for the third time and passed by the Legislative Council on the 27th September 1950)

Bom. XXII of 1946.

WHEREAS it is expedient to amend the Bombay Essential Commodities and Cattle (Control) Act, 1946, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay Essential Commodities and Cattle (Control) (Amendment) Act, 1950.

Amendment of section 1 of Bom. XXII of 1946.

Bom. XXII of 1946.

2. In sub-section (*4*) of section 1 of the Bombay Essential Commodities and Cattle (Control) Act, 1946, for the word "four" the word "six" shall be substituted.

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XXXI OF 1950.]

(As read for the third time and passed by the Legislative Assembly on the 26th September 1950.)

(As read for the third time and passed by the Legislative Council on the 27th September 1950.)

A Bill to amend the Bombay Essential Commodities and Cattle (Control) Act, 1946.

[Shri D. N. Desai, M.L.A.]

PRINTED AT THE YERAVDA PRISON PRESS POONA